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RESOLUTION NO. 05-198

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 4, MAIN 10, FOUR MILE CREEK SEWER (WEST OF 127TH ST. EAST, NORTH OF 21ST) 468-83935**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING **LATERAL 4, MAIN 10, FOUR MILE CREEK SEWER (WEST OF 127TH ST. EAST, NORTH OF 21ST) 468-83935**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. **04-649** adopted on **December 7, 2004**, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct **Lateral 4, Main 10, Four Mile Creek Sewer (west of 127th St. East, north of 21st) 468-83935**, in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be **One Hundred Thirty-One Thousand Dollars (\$131,000)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **December 1, 2004**, exclusive of the costs of temporary financing.

That in accordance with the provisions of K.S. A. 12-6a19, a benefit fee be assessed against the improvement district with respect to the improvement district's share of the cost of the existing sanitary sewer main, such benefit fee to be in the amount of Sixteen Thousand One Hundred Fifty Dollars (\$16,150).

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

THE FAIRMONT 3RD ADDITION

Lots 1 through 43, Block A

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment plus the benefit fee, shall be on a **fractional** basis.

That the method of assessment of all costs of Lateral Sanitary Sewer for which the

improvement district is liable, shall be on a fractional basis: Lots 1 through 7, Lots 10 and 11, Lots 15 through 19, and Lots 20 through 43, Block A, THE FAIRMONT 3RD ADDITION shall each pay 60/2730 of the total cost of the improvements, Lots 8 and 9, and Lots 12 through 14, Block A, THE FAIRMONT 3RD ADDITION, shall each pay 90/2730 of the total cost of the improvements.

That the method of assessment of Sanitary sewer Main benefit fee shall be as follows: Lots 1 through 43, Block A, THE FAIRMONT 3RD ADDITION shall each pay 1/43 of the benefit fee assessment.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a04et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, April 12, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)